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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9012/2017**

UNION OF INDIA AND ORS.

..... Petitioner

Through Mr. Archana Gaur with Ms. Ridhima
Gaur, Advs. for UOI.

versus

SANJEEV KUMAR

..... Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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13.10.2017

C.M No.36870/2017(exemption)

Exemption allowed, subject to all just exception.

The application stands disposed of.

W.P.(C) 9012/2017

The petitioner has preferred the present writ petition assailing order dated 25.11.2016 passed by this Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No.1060/2016. The Tribunal has allowed the Original Application preferred by the respondent and directed the petitioner herein to consider the case and the respondent for regularisation in terms of their policy framed for

regularisation in the light of judgment of the Supreme Court in the case of *State of Karnataka & ors v. Umadevi & ors*, (2006) 4 SCC 1.

The factual position is that the respondent, who belongs to the Scheduled Caste category was engaged as a Daily Wager in June, 1996 in Appellate Authority for Industrial & Financial Reconstruction (AAIFR), his services was dispensed somewhere in the year 1999 and consequently, he approached the Tribunal by filing O.A No.634/1999. The Tribunal disposed of his O.A on 06.12.1999 and directed the petitioners to re-engage the respondent.

Consequently, the respondent was re-engaged w.e.f. 10.01.2000 and since, then the respondent is continuing his service. The respondent gave a notice on 10.08.2015 seeking regularisation in view of the fact that his service continued as a Daily Wager for over 10 years. He sought regularisation in terms of the directions issued by Supreme court in the case of *State of karnataka* (supra).

The reason for not considering the respondent's request was stated to be that upon implementation of the Sixth Pay Commission Report, Grade-D posts have been abolished and, therefore, no regularisation could be accorded to Daily/Casual Workers since regularisation could have taken place only in Group D.

The Tribunal has rejected this submission of the petitioner, by placing reliance on the decision of this Court in *Ritu Kushwaha & Ors. v. Union of India & Ors.* in W.P(C) No.7808/2012 dated 11.11.2014. In *Ritu Kushwaha* (supra) a similar submission was advanced and the Division Bench of this Court rejected the same by taking note of the fact that even after implementation of the Sixth Pay

Commission Report, the Government of India as a matter of fact had regularised scores of Casual Employees as Multi Tasking Staff (MTS). Instances of office order dated 10.09.2013 issued by Ministry of External Affairs regularising the services of 44 casual employees as MTS and office order dated 04.01.2013 issued by Ministry of Finance, Department of Revenue regularising 21 Daily Wager as MTS were taken note of. Similarly, it was also noticed that the Ministry of Finance, Department of Economic Affairs had regularised 5 casual employees as Peon vide order dated 27.01.2009.

Learned counsel for the petitioner does not dispute the fact that the respondent was engaged as a casual worker through the employment exchange against a sanctioned post.

In our view, therefore, there is no merit in the present petition, the same is dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

OCTOBER 13, 2017

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